



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,886	08/23/2001	Srinivas Gutta	US010357	1358
24737	7590	04/07/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/935,886	Applicant(s) GUTTA, SRINIVAS	
	Examiner Harish T. Dass	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. Particularly, see method including steps:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grey et al (hereinafter Grey - US 20020116315) in view of Bednarek (US 20050251440).

Re. Claims 1, 15, 18, 21 Grey discloses an auction system, method, apparatus and medium [Abstract (lines 1-3), paragraph or para. 0002, para 0074 – see Dutch auction or reverse auction], auction program [para. 0035],

Art Unit: 3628

contacting one or more providers of a product through a first wireless transmission (wireless phone or PDA) from a user [Figure 2, para. 0024, para 0026-027 – see WAP, cellular network, personal digital assistant, also see communication network 100 may be used to transmit data using any known transmission protocol which includes wireless transmission],

initiating a bid for the product with the one or more providers through a second wireless transmission [Figure 3 # 300, para. 0023-0024, para 0042 (plurality of auctions)], bidding on the product by the one or more providers [para. 0007, para 0042, para 0046, para 0074- see Dutch auctions which is known for where one or more (multiple provides) compete to supply the item(s) at the lowest price or acceptable terms], and

accepting a lowest bid on the product from one of the one or more providers through a third wireless transmission [para. 0007, 0050].

Grey does not explicitly disclose within a predetermined area. However, Bednarek discloses this feature [para. 0005-0007, para. 0142-0143, para. 0479, see reverse auction-type bidding, providers, portable personal communication and blue tooth] to allow customers to solicit bids from nearby vendors. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Grey and Bednarek to provide an reverse auction system which allows the bidder to obtain needed item(s) from local vendors using portable PC on mobile devices at lowest possible price.

Re. Claim 2, Grey discloses product code [Figure 5 # 460 – however, SKU are well known to describe the product for example, F-Brand 456 Multi-meter]. Bednarek further discloses transmitting the first wireless transmission with a code corresponding to the product (code such as Thai restaurant not other restaurant), wherein any provider of such product that detects the first wireless transmission can participate in the bidding step [para. 0141-0147, para. 0154-0156, 0577] to provide merchant finder system for request or solicitation for bids from merchants within the proximity of the user and finds the best value or values for the goods or services the user is interested in through a form of reverse auction. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Grey and Bednarek to provide an reverse auction system to allow local bidders to detect the request and provide offers of best value product.

Re. Claim 3, Grey discloses wherein the initiating step comprises providing a starting bid in the second wireless transmission by the user [para. 0032, para. 0040].

Re. Claim 4, Grey discloses wherein the first and second wireless transmissions comprise a single message transmission [Figure 5 and associated paragraphs 0050-0054].

Art Unit: 3628

Re. Claim 5, Grey discloses wherein the initiating step comprises providing a starting bid in the second wireless transmission by at least one of the one or more providers [para. 0007, para. 0050-0054].

Re. Claim 6, Grey discloses receiving bids from each of the at least two providers to the user through a fourth wireless transmission, transmitting the lowest of the received bids from the user to the other of the at least two providers through a fifth wireless transmission [para. 0002-0004, - see submitting bids], and repeating the receiving and transmitting steps until the lowest bid is accepted [para. 0002-0011, para. 0028].

Re. Claims 7-8, Grey discloses transmitting bids between each of the at least two providers, transmitting the lowest of the received bids from one of the at least two providers to the other of the at least two providers in a fourth wireless transmission, repeating the transmitting steps until the lowest bid is accepted, and transmitting the lowest bid to the user in a fifth wireless transmission, and wherein the step of transmitting bids between each of the at least two providers is through a wireless transmission [para. 0002-0010, para. 0068-0070 - – next price].

Re. Claim 9, Grey discloses manually indicating acceptance of the lowest bid by the user, and transmitting the indication of acceptance through the third wireless transmission to at least the provider making the lowest bid [para. 0005-0007, para. 0025].

Re. Claim 10, Grey discloses wherein the accepting step comprises: automatically indicating acceptance of the lowest bid by the user upon fulfillment of a predetermined criteria, and transmitting the indication of acceptance through the third wireless transmission to at least the provider making the lowest bid [para. 0028, para. 0042-0044].

Re. Claims 11 and 13, Grey discloses transmitting additional information to the user from at least one of the one or more providers to the user during the bidding step, and transmitting additional information to the user from at least one of the one or more providers after the accepting step [para. 0057-0058].

Re. Claims 11-12 and 14, Bednarek further discloses wherein the step of transmitting additional information comprises transmitting image data corresponding to the product and further comprising the step of displaying the image data to the user, and wherein the step of transmitting additional information comprises transmitting a confirmation from the provider with the lowest bid to the user confirming that the lowest bid will be recognized by the provider making the lowest bid [figure 11, para. 0052, para. 0494, 0505, para. 0554-0563] to allow the user to narrow down the selection query for particular product. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Grey and Bednarek

Art Unit: 3628

to provide an reverse auction system to allow user to narrow down the selection query for a particular product or a category.

Re. Claim 16, claim 16 is similar to claim 6 and therefore claim 16 is rejected with same rational as claim 6.

Re. Claim 17, limitations of claim 17 are similar to limitations of claims 7-8 and therefore claim 17 is rejected with same rational as claims 7-8.

Re. Claim 19, claim 19 is similar to claim 6 and therefore claim 19 is rejected with same rational as claim 6.

Re. Claim 20, limitations of claim 20 are similar to limitations of claims 7-8 and therefore claim 20 is rejected with same rational as claims 7-8.

22. A method for receiving product information from a provider of a products, the method comprising:

contacting one or more providers of a product within a predetermined area to request product information through a first wireless transmission from a user [Figure 2, para.

0024, para 0026-027 – see WAP, cellular network, personal digital assistant, also see communication network 100 may be used to transmit data using any known

transmission protocol which includes wireless transmission]. Grey does not explicitly

Art Unit: 3628

disclose receiving the product information from at least one of the one or more providers in a second wireless transmission to the user. However, Bednarek discloses this feature [para. 0062-0063] to provide useful customizing **product** information concerning the **product to customer**. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Grey and Bednarek to provide an reverse auction system which provides valuable information concerning the **product to** retaining the customer and allow the bidder to obtain needed product(s) locally using portable PC on mobile devices at lowest possible price.

Re. Claim 23, Grey discloses displaying the product information from the at least one provider [figures 5-6 # 510 & 520].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US 20020035536 (Gellman) "Method and system for forming a list-based value discovery network" discloses a network-based reverse auction system value discovery system including at least four major customers: consumers, and the three sell-side customers bidder/sellers, product manufacturers, and advertisers who are not also product manufacturers. Initially, a shopping list is constructed containing e.g., widely available goods (WAGs), a network (a personal computer, a personal digital assistant, a cellular phone, an interactive television, a wireless device, and a network appliance), a bid engine connected to the network for receiving and retrieving auction information, at least one database connected to the network and

accessible by the bid engine, wherein the at least one database contains auction information about potential customers and potential items, and a network interface for accessing the bid engine and the at least one database, item lists created by the consumers, scanning an item code results in the addition of the item to the consumer's item list and a universal product code (UPC), a stock keeping unit (SKU).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628



3/30/06